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Kyoto, Johannesburg, Baghdad

A Postscript to *What Is Political Ecology?*

Four years have passed since the publication of my book *What Is Political Ecology?* They have not only confirmed that ecology would indeed be the central issue of the twenty-first century, but have also demonstrated that the obstacles to and enemies of a “good” political ecology (sustainable development) would be extremely aggressive and powerful. In this postscript, I will not review in detail the difficulties encountered by the French Greens in trying to shift the public policies of their country, as I have just devoted a book to that subject.¹ I wish rather to concentrate on the changes encountered at the international dimension of political ecology, what I call in that book “general crises” and “global crises.”

The Hegemony of the World Trade Organization and the United States

The great change, indeed the sudden halt and even withdrawal, of humanity’s commitment to take charge of its ecological destiny, came at the Marrakech conference (1995), which established the World Trade Organization (WTO). The consequences of this agreement developed a good deal more quickly than did the International Agreements on the Environment (IAE), whose advanced stages had been laid down at the UN Conference on Environment and Development (the Earth Summit)

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Translated by Joseph Cunneen.

in Rio in 1992. The creation of the WTO, and especially of its Dispute Settlement Body, establishes, to some degree, a commercial organization for the world, in the sense that the rules of free trade have been placed above the principles that, as I have shown in my book, need to prevail in the world of commerce if the world is to be preserved from major, perhaps worldwide, ecological crises. Examples of the principles to which I refer are “Do not do to another what you would not like him to do to you,” or “Do not do to another what he would not like anyone to do to him.” In addition, the WTO was rapidly flanked by an equivalent organism in the area of investments, the Multilateral Agreement on Investments. But, on this occasion, the protest of civil society knew how to parry the blow that was being prepared.

This dictatorship of the market, institutionalized by the WTO, was gradually doubled by a repudiation on the part of the dominant economic power, the United States, of all transnational political constraints, of every attempt to regulate a world that was economically—and increasingly ecologically—“globalized,” while remaining politically fragmented as sovereign states. The only reform that can provide opposition in such a situation is the development of worldwide, or at least multilateral, social and environmental legislation. The WTO is an organization on that level, but its essential content is to prevent any other from emerging! As for the United States, like Athens at the time of Alcibiades, they have gradually raised the principle of their own sovereignty to the level of an absolutism beyond rules, ruling the world through “shock and awe.” It is not by chance that the most “absolutist” military-diplomatic power is at the same time the one that is most “irresponsible” in the face of the global ecological crises and widespread economic crises that have been engendered by free trade. A continuous, deadly thread runs from the declaration of George H.W. Bush at the Rio conference (“Our way of life is not negotiable”) to the first Persian Gulf war, then to the refusal to ratify the Kyoto Protocol, then (more politically) to support the International Criminal Court, and after September 11, 2001, to the repudiation of the Geneva conventions on the laws of war, and finally, in March 2003, to ignoring the Security Council and the United Nations Charter, and to the new Persian Gulf war . . . always in order to guarantee the provisions needed for this “nonnegotiable way of life.” In *Berlin, Baghdad, Rio*, I traced the first stages of this trajectory.² Ten years later, the United States, instead of remaining the warlord operating on the account of all the other great economic powers (Japan, Europe, Russia),

has been transformed into "Regent of the Planet," organizing its pillage to their own profit.

In the meantime, under the pressure of an increasingly outraged public opinion, those other great powers have little by little come to accept the idea that a renewed multilateralism was the only hope of a humanity faced with the explosion of market forces, a single superpower that had become mad . . . and with ecological constraints that have become increasingly obvious.

Johannesburg: A Check of Power?

The Johannesburg Summit 2002 (the World Summit on Sustainable Development), held to mark the tenth anniversary of the Rio conference, marks a first check on the unshared hegemony of the WTO and the United States. This was a difficult summit, discouraging in many aspects. But in reality, it marks a victorious fight against an ultraliberal attack that would have been able to inflict even greater harm.³ In some sense, a "battle of the Marne of sustainable development" took place, and we will then have several years of trench warfare before the counteroffensive.

In the aftermath of Rio, I was already raging at my ecological friends, the Greens, Greenpeace, the Friends of the Earth, and others. They were saying, "The mountain has given birth to a mouse." But it had not given birth to a mouse; it had given birth to Rio—and it was necessary to defend Rio. When people spend their time saying that what they have obtained does not amount to anything, they are not very well prepared to defend it against those who say it is already a great deal too much.

The cause of sustainable development is everyone's cause, but it seems as if it is only statistics. Some can hope to live better and better on a planet that becomes more and more unlivable. That is the choice of the Bush dynasty. But sustainable development is a fundamental choice—an ethical choice and a political choice. Johannesburg represented the reaffirmation of that choice. That is all it is, but it is a great deal.

Our adversaries at Johannesburg, naturally enough, were the powerful multinationals and the United States. For them, the market, in organizing the convergence of private interests, will be enough to protect the public interest. Others insist that a supplementary stratum is needed—a "universal morality," shared values, a common commitment with regard to values—so that society would not collapse. The first point of view

was developed two centuries ago by Bernard Mandeville and Adam Smith, who explained that the baker does not make bread because of philanthropy: on the contrary, in producing bread, he hopes to make money (because people need bread) and to be able to buy what he needs. The other point of view maintains that the market does not necessarily achieve this equilibrium because it is based on relationships of power. The market is the victory of the strongest. For example, social Catholicism immediately arises to say: "Free enterprise means the free fox in the free henhouse." This objection reaches the exploding point with the requirements of "sustainable development."

To paraphrase Adam Smith, it is not because they are in favor of sustainable development that Générale des Eaux (Vivendi), Lyonnaise des Eaux, and so on, will invest millions to make sure that water is healthy, but because they find it in their interest. For them, all that is needed is to have a good system of prices. If everyone pursues their own interests in the market, the end result will be sustainable development. Others respond that, for various reasons, things do not work out in that way, because there is an inequality of forces; because future generations are not able to advance their interests; because initial endowments are far from ideal.

We are dealing here with an ancient debate. Immediately after Mandeville, there was a counterattack equally filled with imagery, the Marquis de Sade's "Justine or the misfortunes of virtue": A charming young woman, who was sympathetic with collective progress, unfortunately encounters people who rape and torture her. They simply explain, "Listen, we have enough force to inflict this on you." She answers, "But this is frightful; you are doing me great harm." To which they reply, "Yes, but it gives us great pleasure."

In sum, by pursuing our private interests, we may produce a result that is not helpful to the collective interests. This option can end only in disaster, in my opinion, and yet was on the edge of victory, just before Johannesburg.

At the conference hosted in Bali, preparatory to Johannesburg, one could notice the wordings that were no longer accepted as part of the consensus and were "tabled," because several delegations were opposed to them. This was precisely what had previously been accepted at the Rio conference as "the universal public morality of sustainable development." Phrases like "The defense of the environment is a common but differentiated obligation" (that is, everyone should defend the environment, but everyone does not have the same means of accomplishing this

end), which had been part of the consensus at Rio, were no longer the consensus ten days before the end of the Johannesburg conference. The "precautionary principle" prescribes that when an enterprise wishes to launch a new product for which (imitating the optimism of Adam Smith) it expects marvels for itself and society, then the state, the power that has a monopoly on legitimate violence, ought to prevent its action if there is a risk of catastrophe. This principle had been put "between brackets." Other examples could also be presented.

Eventually, such reservations were dropped, and we returned to the collective public morality of Rio. This was quite an achievement, for we were emerging from ten years of retreat, the result of the Marrakesh conference, which had launched the WTO. With the WTO, humanity seemed to repudiate the agreements at Rio and to accept the laws of the market as sacrosanct, the only form of regulation. Flowing from the norms of the WTO, a court decided to condemn a Canadian farmer whose land was contaminated by genetically modified organisms (GMOs) for using grains of wheat that had been genetically modified and certified by Monsanto, even though it was the result of wind and not through the farmer's consent. This setback, however, failed to be engraved in stone at Johannesburg.

On the opposite side were the Greens and the nongovernmental ecologist organizations. They wanted to establish a hierarchy of norms, arguing that international norms for the defense of the environment, like those defending social laws or the rights of human persons, ought to take precedence over free trade.

Who tried to destroy the spirit of Rio? Simply put, it was, above all, very powerful interests that had been underestimated at the UN Conference on the Environment in Stockholm (1972) and again at Rio. The formula of George H.W. Bush at Rio: "Our mode of life is not negotiable," a kind of translation of de Sade's formula of "I am powerful and hence I do what I want," had become the norm for many countries. But at Johannesburg, the European Union (EU) (and President Jacques Chirac) seemed to take the lead in the fight for sustainable development. As a fortunate result, virtuous formulations survived! Virtue is a lot better than cynicism or sadism. Hypocrisy—that is, to praise virtue without practicing it oneself—is preferable to denying the necessity of ethical norms, except that the weakness of hypocrisy is that it does not convince anyone. Europe was unable to be convincing. When the EU said to the Group of 77 (the third world countries) that it would be necessary to

take one or another measure, the latter responded that it would be necessary to begin in the North and at the same time provide them with aid.

We will succeed in forcing the "sadistic" American hegemony to retreat only by establishing an alliance between the EU and the other peoples of the earth. It implies first doing some sweeping in front of our own door. We will never succeed in convincing others if all our democratic language about the rights of humankind and sustainable development is perceived as a display of hypocrisy (again, it must be said that hypocrisy is better than cynicism). We will reduce the American hegemony and change mentalities in the United States only if Europe provides an example.

Unfortunately, while Europe is on the right side regarding the fight against climate change, at the same time, regarding the convention on biodiversity, we Europeans are on the wrong side, the side of the North Americans. Why? Because, for climate, we already utilize two times less energy per euro produced as do the Americans. We benefit from a "technological rent." But on biodiversity, that is not the case. We are in commercial competition with them to appropriate the biodiversity of the world by smashing native cultures, invading and destroying local production, and so on. With its agricultural policy, Europe is in the process of destroying the capacity of the world's peasants to nourish their own people. How then can Europe be believed?

Europe wishes to champion the defense of what, in a now-celebrated article by Richard Kagan,⁴ is called the "Kantian" model, a model of international relations that implies a secular universalist model. This is in opposition to the model defended by the United States, a Hobbesian-type model, "let the best man win; I am powerful and therefore impose my law." How can Europe convince the rest of the world to be Kantian, to search for the general interest and present it as a general rule, when, outside of its borders and often within them, it does not practice this maxim that it advocates for others?

The Kantian principle to which Richard Kagan refers is: "Act in such a way that your conduct can be erected into a universal rule." It is not very different from a Christian principle, "Love your neighbor as yourself." In a way, that principle leads us to sustainable development.

The problem is that our way of life is no more generalizable than that of the Americans. It is not Kantian. Hence, this is also an issue for each European and not simply for governments. If we wish to be Kantian, then the Indians or the Chinese have the right to do the same as we do. How much carbon in the form of carbon dioxide gas do we have the

right to emit? The amount of 500 kilograms a year would be Kantian today. Unfortunately, the Europeans produce 2,000 kilograms a year.

General Crises: Insurance and Law to the Rescue?

In my book, I called "generalized crises" those local crises (in which both the perpetrators and victims belong to the same society) that, reproducing themselves across the globe through the generalization of a model of development that has been guided by a single economic logic—that of the market and profit—end up achieving a planetary dimension.

The multiplication of black floods, the risks raised by international commerce in GMOs, and still more by the dissemination of their seeds, are good examples of this. The economic logic that increases the risk factors is clearly global, even if the effects are local, although in the long run, every country in the world, all the plates and stomachs of the world, are menaced by the invasion of GMOs. In the same way, all the coasts of the world are menaced by the shipwrecks (or significant leakage) of an increasing number of tankers (the result of an energy-voracious world-development model). And tankers are becoming less safe because of the general tendency of the large petroleum companies to "externalize" transport, and even the ownership of hydrocarbons during their transport.

In one case as in the other, the insane dynamic increases because one question is inadequately resolved: "Who is responsible in case of accident?" This idea of responsibility,⁵ at the heart of any plan for political ecology, has two possible juridical translations: one administrative, which would authorize or forbid a particularly risky practice, and the other civil, which would indemnify damages. In Anglo-Saxon common-law countries, especially the United States, the second conception is far more widespread than the first. In the United States, the freedom of a commercial enterprise is, in principle, limited only by the property rights of other agents, which creates the risk of having to pay heavy indemnities at the end of a trial. The Environmental Protection Agency in the United States consecrates a third of its budget to lawyers' fees. In continental Europe, in contrast, legislation and regulation have priority. But in the same way as American firms can always choose to bet that they will win (or at least drag out) their trials, European firms tend to take shelter behind administrative authorizations that discharge them from their responsibilities.

It is, therefore, from both sides at once that the EU (divided between Continental and Anglo-Saxon juridical traditions) attempts to "domes-

ticate" the worldwide ecological danger. A European law ("directive") defining "environmental responsibility" has been negotiated between the European Commission, the European Council (the national governments), and the European Parliament.⁶ In general, the directive makes it clear that states have the responsibility to prevent immediate risks and force businesses that cause pollution to do the work of restoration; commercial enterprises are civilly responsible, even when legally "without fault." Nevertheless, the directive foresees dangerous exceptions: if an enterprise has conducted itself in conformity with administrative instructions or in conformity with the present state of knowledge, it could argue that it is not civilly responsible. It is clear that the first exception eliminates all content from the principle of responsibility without fault, and the second eliminates the principle of precaution. A large part of the struggle of ecologists is to remove these two exceptions.

Another ongoing struggle is to make insurance obligatory for businesses that present any risk of damage to the environment. In fact, when the British economist Arthur Pigou, at the beginning of the past century, invented "pollutaxes" (those designed to pay for damages caused by pollution), he also invented the principle of damage insurance to a third party. He used the example of steam locomotives that, through their regular functioning (although with administrative authorizations, and "state-of-the-art" construction), sometimes burned fields in their paths. By obliging railway companies to make contributions into an indemnity fund, the possibility of compensation was guaranteed, and at the same time, the companies were encouraged to develop less dangerous locomotives.

In fact, insurance is an allied objective of political ecology, attempting to translate here and now the costs of activities that could produce damages somewhere and in the future. Strategically, the increase in ecological dangers translates into a latent crisis for insurance companies, which have become increasingly disturbed by the expansion of "the universe of risk."⁷ Insurance, the last resort of a market society against the risks that it gives birth to, increasingly runs the risk of insolvency, and therefore, should itself demand a policy that would limit or forbid the excessive risks that the insane pursuit of profits has brought with it.

Toward the World Environment Organization?

In the face of global ecological risks, capable of modifying the planetary ecosystem, two major agreements were signed in connection with

the Rio Conference (1992): the Convention on Biodiversity (CBD), and the Convention on Climate Change. But both were struck head-on by the rules of the WTO that did not distinguish products according to the manner (i.e., more or less aggressive toward the environment) in which they were produced.

From this point of view, the reform of the WTO becomes more urgent.⁸ First an internal reform: for products identical in appearance, the different processes of production should be able to be distinguished. Certainly, veal containing hormones should be distinguished from meat without hormones and GMOs distinguished from agricultural products produced by natural selection. But the manner in which a service is rendered includes also sociopolitical compromises, which are a matter of local democratic choice.

Let us take the issue of water. The WTO tends to present water as a commodity, like any other, and to demand liberalization of the service of water. But water is a complex commodity. Because it is quite rare, it should be submitted to the principle that the polluter must pay; because it is so fundamental, it ought to be accessible to the most deprived. Its price, therefore, should not be the same for everyone or for all uses; its control is eminently political. It is not a question of nationalizing the construction of pipes or even refining stations, but of assuring the public ownership of water resources and citizen control over its production, distribution, and pricing. It implies that local groups would have the means of political and technical control over those enterprises associated with water service. It entails a vast program that failed once again to be set in place at the Third World Forum on Water, held at Kyoto, March 2003.

Even more so, an external reform to the WTO is called for: all commerce should be subordinate to the International Agreements on the Environment. Today, a state or a community of states, like the European Union, can be sanctioned by the Dispute Settlement Body when it takes measures to defend the environment, even measures with global scope (that is, those from which humanity as a whole benefits), when these measures involve preventing the importation of products that do not observe the same norms.

One of the great battles of the twenty-first century will be to make the imperatives of the IAE prevail over the rules of the WTO. For that, it would be eminently useful for the multiple IAE, which today are dispersed and often deprived of the means of applying sanctions, to be regrouped within a World Environment Organization and to be endowed

with the same authority and the same powers as the World Health Organization or the Food and Agriculture Organization. Already, these UN bodies are able to proclaim, for example, that the livestock of a particular country is infected with foot-and-mouth disease, which authorizes any country to protect itself from it, without the WTO being able to object. We are not yet at that point, but things are moving, albeit slowly.

An additional advantage to the creation of a World Environment Organization would be to permit many small countries, which hardly have the means of sending a delegate to one of the specialized conferences of the IAE, to participate inexpensively in a UN organization that would supervise these agreements as a whole. Behind this "technical" advantage, there is a major hidden possibility: the possibility of negotiating a "package" of agreements. The question of biodiversity is an example of this kind of possibility.

The Adventures of Biodiversity

Starting from the most fragile basis, the Convention on Biodiversity (CBD) has nevertheless produced a success: the Protocol of Carthage,⁹ which authorized each country to protect itself from the GMOs. Here is an example of a collision between the WTO and the law of the IAE, from which the European Union has not failed to profit. Due to the complexity of this convention, and because it deals with an extremely wide field, there will still be many political battles in the future.

Since the United States has never ratified the CBD, this generally leads to disagreement and consequent negotiation between EU and the third world. The latter formerly was organized as the "Group of 77." The Sixth Conference of Parties of the CBD (at La Haye) in 2002 has seen the formation of a very interesting group, the "Megadiverses," twenty-seven countries of diverse size that together represent 70 percent of world biodiversity. They include Brazil, Indonesia, Malaysia, and especially Mexico, which assumed a leading and constructive role in this area, along with Ecuador, certainly a small country, but one that is dense in biodiversity material. As for the United States, it was strongly represented in these negotiations.

Apart from a debate concerning invasive plants, disagreement has focused on forests and access to the resources of "savage" biodiversity. Regarding forests, it seems to be a matter in some sense of a "revenge on Rio," because of an inability to adopt measures to safeguard the great

tropical forests as “the lungs of the planet”—the argument used in 1992. The hope was to save these forests, especially the primitive forests, as the reserves of biodiversity. Greenpeace made it the business of the La Haye CBD Conference, proceeding in an extremely insistent manner, without reflecting on the reasons for the failure of 1992. How, in fact, does one convince those countries that practice deforestation on a grand scale (whether in order to give land to their disinherited population instead of carrying out land reform, or whether to export wood) to abandon this practice, without offering them compensation by placing some economic value on saving forests? The aggressive lobbying of Greenpeace only provoked a vigorous defense by the major deforesting countries like Brazil, Indonesia, and, of course, Malaysia (the “Saddam Hussein” of the environment, as I referred to it in *Berlin, Baghdad, Rio*), which mounted their horses in the name of national sovereignty. While the EU had previously negotiated an agreement that contained a minimum of constraints, the French delegation led by Yves Cochet suddenly rallied to the demands of Greenpeace and proposed the end to all deforestation by 2010. After Homeric battles, France obtained the listing of this objective (but without reference to sanctions or providing any inducement), and Brazil secured an avalanche of restrictions (such as “in the framework of the development priorities established for each country”).

In fact, if a compromise can some day be reached between North and South on biodiversity, it will obviously be on the question of access to resources. We find ourselves in a classic configuration: the industries (pharmaceutical, farm/produce, seed) are in the North, and the primary resources are in the South, because those populations that have not yet industrialized either their forests or their agriculture have ipso facto preserved natural biodiversity. To give a value to biodiversity is to imagine a system of royalties for access to these resources, and this is effectively the basis of the compromise adopted in 1992.

It quickly became apparent that the problem is more complex than sharing the income from oil. The biodiversity endemic to a region offers only a potential interest to industry, which is unable to analyze all the molecules of all the living species of a territory before deciding “which might be interesting.” Industry needs to be educated about the knowledge of indigenous people, who collect or cultivate plants while already having a rather precise idea of their nourishing or curative value. Resources, therefore, include genes and molecules of a well-defined geographical origin as well as traditional knowledge regarding their utility.

Under its first aspect, it is a question of recognizing an origin (while a substantial part of the biodiversity that has been located is already stocked in germ banks in the North, as at Q-Garden). In its second aspect, we are dealing with a problem of intellectual property *sui generis* (communitarian and traditional, not formalized). The desecration of this double property, which consists in extracting the specific agent of a species that has traditionally already been marked for its use value (a drink, a drug), patenting it, and selling it commercially in the whole world, is called “biopiracy.” The proprietors who have been despoiled of this double ownership (the species protected by a relationship to traditional nature, and the knowledge about the properties of these species) are native peoples instead of the states that tend to oppress, expel, or massacre them (or pillage or burn their forests, etc.). These indigenous peoples have recently gained a collection of rights and are seeking to have them prevail.

Needless to say, for the moment, this kind of problem is settled primarily in the framework of the WTO and the World Intellectual Property Organization. This is accomplished in extremely technical legal terms and according to the norms of modern Anglo-Saxon law: areas in which representatives of the indigenous peoples are especially ill at ease, when they are even tolerated. At La Haye they did not get the support of Greenpeace, which acted in a very old-style “conservationist” manner, unaware, for example, of the presence and native usage of forests that were improperly described as “primitive.” Nevertheless, Mexico succeeded in getting a sort of deontological code for the use of the resources of biodiversity.

A serious fight took place over the question of the term “enlightened prior consent.” It was a matter of resisting a form of polite biopiracy that consisted, on the part of a pharmaceutical firm, of “buying” the rights to a traditional plant and its use from the chiefs of an indigenous people, in exchange for some modern form of glass jewelry. The clause referring to “enlightened prior consent” would have permitted such an appropriation of the natural and intellectual income due to “native owners” to be contested a posteriori. In the course of the negotiation, the exporting countries had first betrayed the interests of their native populations. Even the “first nations” of Canada showed themselves ready to concede, and to abandon this formulation. Then a *deus ex machina* arrived, Rigoberta Menchu. She strengthened the native delegates and gained the support of those states that were involved for the clause, which was thereby saved. But we must not have too many illusions about putting

this clause into practice, either in favor of the peoples who are guardians of biodiversity or of biodiversity itself, as long as the states of the North and their firms have not renounced their predatory tendencies.

The Fight over Climate

As we know today, the hopes that were based on the Kyoto agreement to save the climate were shattered by the fierce hostility of the United States. In fact, the Kyoto conference was held during the Clinton presidency, and it was at the Conference of Parties of the Convention on Climate Change, also in La Haye in November 2000, still during his term, that the rupture took place. The United States was attempting essentially to have acknowledged "carbon pits" represented by their vegetal cover, which would give them the right to reduce emissions by even less than their negotiators at Kyoto were prepared to accept. Faced with this totally unreasonable demand, the firm opposition of Europe produced a stalemate. The result was a series of dramatic consequences: the suspension of negotiations, the anger of American ecologists who ended up voting for Ralph Nader, helping to defeat Al Gore (former "pro-ecologist") and elect the candidate of the oil companies and of American ultranationalists, George W. Bush.

Whereas the rearguard battles of the Clinton administration were probably aimed at giving the United States time to overcome their technological backwardness in energy efficiency (spending for research and development in this area was far greater than that of Europe), the offensive of the Bush administration was far more radical. It was a question of a massive boost in the production of energy, fossil and nuclear, and hence the definitive sabotage of Kyoto Protocol, and of taking total control of the oil reserves of the Middle East.

Face to the peril, the Europeans succeeded in the 2001 Bonn "make-up conference," to break the "JUSCANZ front," that is, to isolate the United States from Japan, Canada, Australia, and New Zealand, and to pass a compromise with Russia and the third world. This compromise confirms the objectives of Kyoto Protocol. Even better, it looks ahead to a severe system of sanctions, and an element of aid for putting in place "clean" energies in the third world, supported by contributions based on the quantity of carbon gas emitted.

In this way, a genuinely "quasi-state" global institution for the protection of the climate was designed, with sanctions and redistributive

taxes. The immense success of principle was ratified at the Conference of Parties of Marrakesh in November 2001. Of course, Russia, Australia, Canada, and Japan succeeded in softening its basic formula, as it was necessary, for the protocol to be ratified, that it be signed by those countries representing 55 percent of the production of greenhouse gases, which left those countries that were most reticent with enormous blackmail power. But the Bush administration, which had declared war against humanity on the climate front, found itself again isolated, as it would be during the second gulf war.

There is still the task of putting these good resolutions into action, country by country. Within the European Union, the idea of an ecotax was blocked by the opposition of Spain and Italy. By all indications, the ecotax was hardly adaptable to large industries, which, in order to save energy, sought to modernize their installations in a gradual way. In this case, the system of transferable quotas (or tradable permits) was imperative. In France, this system received bad press (as did the very principle of "polluter-payer"), in that it seemed to permit "buying the right to pollute." On the contrary, it is a matter of assigning a limit to the total pollutions (which up to that point were free and without charge), while allowing some leeway in regard to the initial allocation of this total among polluters. The only real problems were in regard to the total allocated, and on the form of this initial distribution.¹⁰

In October 1999, after Kyoto, the European Parliament called on the Union not to be satisfied with "voluntary" measures, but to provide itself with a compulsory framework. In 2000, the European Commission proposed an experimental system of tradable permits for heavy industry as a whole during the period prior to 2008 (when Kyoto becomes binding). In October 2002, under pressures from environmentalist nongovernmental organizations on one side and industrialists on the other, the European Parliament decided in favor of the former. Not only will the system become obligatory, but 15 percent of the first allocation will be put up for auction,¹¹ starting on January 1, 2005.

By committing itself resolutely to apply the Kyoto Protocol, Europe has a unique opportunity to resolve the crisis that tore it apart at the beginning of 2003 because of the war in Iraq and the "War for the Oil" against Baghdad. Faced with the irresponsible invocation of sovereignty by the United States, it can take the lead in a democratic world movement for planetary responsibility. It can begin by offering an example at home.

Notes

1. See Alain Lipietz, *Refonder l'espérance. Leçons de la majorité plurielle* [To Replace the Hopes. Lessons of the Plural Majority] (Paris: La Découverte, 2003 [art. 937]).

2. See Alain Lipietz, *Berlin, Baghdad, Rio: le XXI^e siècle est commencé* [Berlin, Baghdad, Rio: The 21 Century Has Started] (Paris: Quai Voltaire, 1992). This book is available on my Web site: http://lipietz.net/article.php3?id_article=349/. In general, all the articles at this site are accessible at the address http://lipietz.net/article.php3?id_article=xxx/, for which xxx represents the number of the article. In the following, I will simply give this number as reference (art. xxx): it will be enough to click on any article on my site and replace the number with the one desired.

3. See "Après Johannesburg, les conditions politiques d'un développement durable" [After Johannesburg the Political Conditions of Sustainable Development], a debate organized with Michel Camdessus, former director of the IMF, and Michel Mousel, president of the French Mission on the greenhouse effect, Paris, September 19, 2002 (art. 943).

4. Robert Kagan, "Power and Weakness," *Policy Review* (June 2002).

5. See "La notion de responsabilité et les relations internationales: l'exemple de l'effet de serre" [The Notion of Responsibility and International Relations: The Example of the Greenhouse Effect], *Cahiers de l'École des Sciences Philosophiques et Religieuses*, no. 16, Brussels, 1994 (art. 418).

6. As reporter for the Commission économique et affaires monétaires du Parlement [Committee on Economic and Monetary Affairs of the European Parliament] for this important struggle, I present its different stages on my site. See art. 983.

7. See "L'univers des risques est-il en expansion?" Magazine Spécial Université d'été du MEDEF, 13 August 2002 (art. 886).

8. See Commission française du développement durable, "L'Organisation mondiale du commerce et la protection de l'environnement au regard du développement durable" [The World Trade Organization and Protection of the Environment with Respect to Sustainable Development], April 2003; and Meredyth Ailloud, "De l'échec de l'OMC à Seattle aux conditions d'une gouvernance globale" [On the Failure of the WTO at Seattle Under Conditions of Global Governance], Fondation pour le progrès de l'Homme—Initiative de Développement Stratégiques, Paris, October 2000.

9. A convention is a kind of framing declaration that is concretized in protocols. The latter are negotiated at the regular meetings of those countries that are parties to the convention, the "Conference of Parties."

10. In regard to this debate on "permission to pollute," see *Refonder l'espérance*, chap. 9.

11. See my Web site, art. 904, for the history of that directive. How could one give permission for initial emission? As at Kyoto, the answer was by imposing a somewhat lower percentage on "historic" emissions. (This is called the "grandfathering" method.) But, when applied to particular companies, the approach has several disadvantages: it seems "free" (unlike taxes on pollution); it represents a cost for the companies, and it does not provide any place for eventual "new entrants." It provides nothing to the state. Such problems explain the decision of the European Parliament to sell 15 percent of the total that had been authorized at auction.